

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

BANK OF AMERICA, N.A.

Plaintiff,

V.

**BLANCA JUAREZ MARTINEZ &
ALL OCCUPANTS**

Defendant

CIVIL ACTION NO.:

<p>U.S. DISTRICT COURT</p> <p>NORTHERN DISTRICT OF TEXAS</p> <p>FILED</p> <p>OURT</p> <p>TEXAS</p> <p>JUN 29 2015</p> <p>CLERK, U.S. DISTRICT COURT</p> <p>By [Signature]</p> <p>Deputy</p>
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NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant, Alfonso Arroyo, hereby remove to this Court the state court action described below.

A case was commenced in the County Court of Law 1, Tarrant County, Texas, entitled Bank of America, N.A. v. Blanca Juarez Martinez & All Occupants, Case Number 2015-001940-1.

- I. Defendant was served with summons on _____.
 - II. This notice of removal is accompanied by an index of documents filed in state court (Exhibit A).
 - III. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because:
 - a. The Amount in Controversy Exceeds the Federal Minimum Jurisdiction Requirements:

- i. When a “right to a property is called into question in its entirety, the value of the property controls the amount in controversy.” *Nationstar Mortgage, LLC*, 351 Fed. Appx. At 848, 2009 WL 2605356, at *3 (citing *Waller v. Prof'l Ins Corp.*, 296 F. 2d545, 547-48 (5th Cir. 1961)); See also *Radey v. Chase Home Fin.*, L.L.C. 2011 WL 2415344, at *2 (S.D. Tex. June 13, 2011).
 - ii. The subject real property has a current fair market value of \$ 119,560 according to the Tarrant Central Appraisal District. Therefore, the amount in controversy in excess of \$75,000 and satisfies 28 U.S.C. Section 1332.
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- b. There is Complete Diversity between Defendant and the Plaintiff:
 - i. Defendant is an individual resident citizen of the State of Texas.
 - ii. Plaintiff is a corporation not organized in the State of Texas. As a result, there is a complete diversity of citizenship between Plaintiff and Defendants.
 - iii. A national bank is a citizen of the state in which its main office, as set forth in its articles of association, is located. See *Wachovia Bank, N.A. v. Schmidt*, 126 S.Ct.941 (2006).
 - iv. 28 U.S.C § 1332(a) provides that “the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between-
 - a) Citizens of different states;...”
 - v. 28 U.S.C § 1332(a)(1) For purposes of diversity, an individual is a citizen of the state of their domicile, which is the place of their true, fixed, and permanent home and principal establishment, to which they have the intention of returning home whenever they are absent there from. See *Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954).

- c. Pursuant to the 28 U.S.C § 1332(a), this court has original jurisdiction over this matter as the amount in controversy meets the federal jurisdiction minimum and there is a complete diversity of citizenship between the Plaintiff and Defendant.
- d. The index required under Local Rule 81.1(a)(4)(A) is attached as **Exhibit A**.
- e. A copy of the docket sheet in the state court action as required under Local Rule 81.1(a)(4)(B) is attached as **Exhibit B**.
- f. A copy of all documents required under Local Rule 81.1(a)(4)(C) are attached as **Exhibits B-O**
- g. A separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e) and which is required under Local Rule 81.1(a)(4)(D) is attached hereto as **Exhibit O**
- h. Defendant is providing written notice of the filing of this Notice of Removal to Plaintiff as required by 28 U.S.C. Section 1446(d).
- i. Concurrently with this Notice of Removal, Defendants will file a copy of the Notice with the County Court at Law No. 1 of Tarrant County, Texas.

WHEREFORE, Defendant Alfonso Arroyo respectfully removes this action from the County Court at Law No. 1 of Tarrant County, Texas and, having met all procedural requirements for removal and having paid the appropriate filing fee, respectfully requests that the court take jurisdiction over the action and conduct all further proceedings.

Dated: June 29, 2015

A. Alfonso Arroyo,

Alfonso Arroyo
Pro Se
521 Misty Mountain Dr.
Fort Worth, TX 76140

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon the below named Attorney for the Plaintiff via Certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, on this 29 day of June 2015 as follows:

Jonathan M. Williams
Marinosci Law Group, PC
14643 Dallas Parkway
Suite 750
Dallas, TX 75254
ATTORNEY FOR PLAINTIFF

S. Alfonso Arroyo.

Alfonso Arroyo
Pro Se
521 Misty Mountain Dr.
Fort Worth, TX 76140